

REMARKS

By the above amendment, minor informalities in the specification, including those noted by the Examiner have been corrected, so that the objection to the disclosure should now be overcome.

As to the rejection of claim 1 under 35 USC 102(e) as being anticipated by Koizumi et al (US 2003/0192567A1), and the rejection of claims 1 - 21 under 35 USC 103(a) as being unpatentable over Koizumi et al (US 2003/0192567A1) in view of Phan et al (6,665,065), such rejections are traversed in that applicants submit that Koizumi et al is not properly utilizable in rejecting claims of this application under 35 USC 102 or 35 USC 103.

Applicants note that Koizumi et al has a US filing date of April 11, 2003. On the other hand, the present application, having a US filing date of January 23, 2004, claims priority for Japanese Application No. 2003-014838, filed in Japan on January 23, 2003, it being noted that the certified copy of such priority application, Declaration and Letter Claiming Right of Priority were submitted with the application papers, filed January 23, 2004. It is noted, however, that while the certified copy appears in the records of PAIR, for this application, the Office Action does not acknowledge the claim of priority or indicate receipt of the certified copy. Accordingly, applicants submit that the present application is entitled under 35 USC §119, to the benefit of the priority date of January 23, 2003, which is prior to the US filing date of Koizumi et al of April 11, 2003.

In accordance with the procedures set forth in MPEP §201.15, submitted herewith is a verified English translation of the Japanese priority application 2003-014838, and since the certified copy of the priority application has been submitted in this application, applicants submit that the requirements of MPEP §201.15 have

been complied with, and the present application is entitled to the benefit of the date of January 23, 2003, so that applicants submit that Koizumi et al cannot be utilized in rejecting claims of this application, in the sense of 35 USC 102 or 35 USC 103.

For the foregoing reasons, applicants submit that the rejections, as set forth by the Examiner, necessarily fall, it being recognized by the Examiner that Phan et al, taken alone, fails to disclose or teach the recited features of claims 1 - 21. Accordingly, further discussion of Phan et al with respect to the claimed invention is considered unnecessary.

In view of the above amendments and remarks, applicants submit that the informalities in the disclosure, as noted by the Examiner, have been corrected, and the rejections under 35 USC 102 and 35 USC 103 have been obviated, in that Koizumi et al cannot be properly utilized in rejecting claims of this application. Accordingly, all claims present in this application should now be in condition for allowance.


In view of the above amendments and the submission of the verified English translation of the priority document, applicants submit that this application should now be in condition for allowance and issuance of an action of a favorable nature is courteously solicited.

To the extent necessary, applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli,

Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 843.43427X00),
and please credit any excess fees to such deposit account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP



Melvin Kraus
Registration No. 22,466

MK/jla
(703) 312-6600
Attachment